

Senate Bill No. 1903

CHAPTER 286

An act to add Section 2890.2 to the Public Utilities Code, relating to telecommunications.

[Approved by Governor August 26, 2002. Filed with
Secretary of State August 26, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1903, O'Connell. Commercial mobile radio service providers: subscriber protection.

Existing law requires any person, corporation, or billing agent that charges subscribers for products or services on a telephone bill to, among other things, include in the telephone bill the amount being charged for each product or service, including any taxes or surcharges, and a clear and concise description of the service or product.

This bill would require a provider of commercial mobile radio service, as defined, to provide subscribers by no later than January 1, 2004, with a means by which a subscriber can obtain reasonably current and available information, as determined by the provider, on the subscriber's calling plan or plans and service usage. The bill would require providers to inform subscribers of the availability of this information and how it may be obtained, at the time service is established.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Commercial mobile radio service subscribers may currently be unable to monitor their call time minutes and, as a result, they face higher rates because they unknowingly exceed the number of minutes included under their plans.

(b) Commercial mobile radio service subscribers need reasonably accurate information relative to their current service usage in order to enable them to better utilize their particular calling plans.

(c) Providing commercial mobile radio service subscribers with a reasonable estimate that includes a differentiation between the types of usage covered by their plans, such as "peak" versus "free" minutes, will enable subscribers to make informed decisions about their commercial mobile radio service.

(d) The Legislature intends to require the provision of reasonably available usage information by commercial mobile radio service providers by January 1, 2004.

(e) Technology exists to provide commercial mobile radio service subscribers with reasonably accurate information relative to their current service usage, and this type of information can be obtained through a variety of sources, including, but not limited to, cellular telephone providers, Internet Web sites, and traditional telephone customer service providers, such as 1-800 telephone numbers.

(f) The Legislature intends that reasonably available, current usage information be provided to all commercial mobile radio service subscribers, taking into consideration technical limitations that may affect reporting to a consumer, including, but not limited to, limitations on reporting “roaming” minutes incurred when a commercial mobile radio service subscriber is outside his or her plan coverage area.

SEC. 2. Section 2890.2 is added to the Public Utilities Code, to read:

2890.2. (a) No later than January 1, 2004, a provider of commercial mobile radio service, as defined in Section 2892, shall provide subscribers with a means by which a subscriber can obtain reasonably current and available information, as determined by the provider, on the subscriber’s calling plan or plans and service usage.

(b) Each provider of commercial mobile radio service shall inform subscribers at the time service is established of the availability of the information described in subdivision (a) and how it may be obtained.

(c) For purposes of this section, commercial mobile radio service shall not include any one-way paging service utilizing facilities that are licensed by the Federal Communications Commission, including, but not limited to, narrowband personal communications services described in Subpart D (commencing with Section 24.100) of Part 24 of Title 47 of the Code of Federal Regulations, as in effect on October 1, 2001.

